

REMARKS

Claims 1-51 are currently pending in the subject application. Claims 1, 8, 10, 12, 19, 21, 23, 30, 37, 39, 41, 48, and 50 have been amended. Allowable claims 9, 20, 27, 38, and 49 have been rewritten in independent form. New claims 52-56 have been entered. Therefore, after entry of the above amendments, claims 1-56 will be pending in this application. Applicant believes that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

It is to be noted that Applicant, by filing the instant responsive amendment, does not acquiesce to the Examiner's characterizations of the art of record or applicability of the art of record to the pending claims.

CLAIM REJECTIONS

A. 35 U.S.C. §112 Claims 8-11, 19-22, 37-40, and 48-51

The Examiner rejected claims 8-11, 19-22, 37-40, and 48-51 as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Specifically, the Examiner stated that claims 8, 10, 19, 21, 37, 39, 48, and 50 recite, in the first line, the limitation "the supervision timer" having insufficient antecedent basis.

In response, Applicant has amended claims 8, 10, 19, 21, 37, 39, 48, and 50 accordingly. In particular, the term "supervision" in the first line of these claims has been deleted. Thus, Applicant submits that claims 8-11, 19-22, 37-40, and 48-51, as they now stand, fully satisfy the requirements of 35 U.S.C. § 112. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

B. 35 U.S.C. §102(b) Claims 1-4, 6, 12-15, 17, 23-24, 10-33, 41-44, and 46

Claims 1-4, 6, 12-15, 17, 23-24, 10-33, 41-44, and 46 stand rejected as being anticipated by United States Patent No. 5,550,895 to Burson et al. (hereafter "Burson"). Applicant respectfully disagrees.

Applicant has amended claims 1, 12, 23, 30, and 41 to more clearly recite aspects of the invention. Independent claims 1, 12, 23, 30, and 41, as amended, recite limitations not taught,

shown, or suggested by *Burson* as applied by the Examiner. Since claims 1, 12, 23, 30, and 41 recite a similar subject matter, the same arguments are used herein to overcome the rejection of these claims over the cited art.

Burson discloses a bimodal telephone adapted for providing a wide area cellular service and a local area voice cordless service (col. 2, lines 24-55; FIGS. 1, 4-6). However, Burson does not teach enabling switching between two voice/data wireless communication networks that conform to a standard for at least one of CDMA, TDMA, FDMA, and GSM. Moreover, the teachings of Burson are not applicable to and cannot facilitate switching between such networks. In addition, the cordless phone of Burson is, essentially, a part of a wired telephone network, which is not a wireless communication network.

In contrast, Applicant's invention relates to operations within two wireless communication systems that conform to a standard for at least one of the foregoing wireless communication networks. Specifically, claim 1 positively recites:

"A method comprising:
starting a timer defined for use within a first wireless communication system; and
estimating duration of transitions between the first wireless communication system and a second wireless communication system as a function of the timer,
each of the wireless communication systems being a voice/data system that conforms to a standard for at least one of CDMA, TDMA, FDMA, and GSM." (emphasis added).

Independent claims 12, 23, 30, and 41 recite similar limitations. Support for the amendment can be found in the specification at, for example, paragraphs [0017]-[0020] and FIG. 1.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). Therefore, since Burson does not teach all the limitations of claims 1, 12, 23, 30, and 41, Applicant submits that these claims are patentable over Burson and, as such, satisfy the requirements of 35 U.S.C. §102.

Furthermore, claims 2-4, 6, 13-15, 17, 24, 31-33, 42-44, and 46 depend, either directly or indirectly, from claims 1, 12, 23, 30, and 41 and recite additional features therefor. At least for the same reasons that Burson would not produce Applicant's invention recited in claims 1, 12,

23, 30, and 41, dependent claims 2-4, 6, 13-15, 17, 24, 31-33, 42-44, and 46 are also not anticipated and are allowable.

Thus, Applicant submits that claims 1-4, 6, 12-15, 17, 23-24, 30-33, 41-44, and 46 are patentable over Burson. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

C. 35 U.S.C. §103(a) Claims 5, 7, 8, 10, 11, 16, 18-19, 21-22, 25-26, 28-29, 34-37, 39-40, 45, 47-48, and 50-51

Claims 5, 7, 8, 10, 11, 16, 18-19, 21-22, 25-26, 28-29, 34-37, 39-40, 45, 47-48, and 50-51 stand rejected as being unpatentable over Burson in view of United States Patent Application Publication No. 2002/0111169 to Vanghi. Applicant respectfully disagrees.

Applicant has amended independent claims 1, 12, 23, 30, and 41, from which claims 5, 7, 8, 10, 11, 16, 18-19, 21-22, 25-26, 28-29, 34-37, 39-40, 45, 47-48, and 50-51 depend, and amended claims 8, 10, 19, 37, 39, 48, and 50 to more clearly recite aspects of the invention.

Independent claims 1, 12, 23, 30, and 41, as amended, recite limitations not taught or shown by *Burson* and *Vanghi* as applied by the Examiner. Since claims 1, 12, 23, 30, and 41 recite a similar subject matter, the same arguments are used herein to overcome the rejection of these claims over the cited art.

Patentability of claims 1, 12, 23, 30, and 41 over Burson has been discussed above in Section B. Vanghi teaches a method for managing transitions between two radio (i.e., wireless) networks where, if a connection to a 1st network is suspended for a connection to a 2nd network, the connection to the 1st network is lost when duration of the suspension exceeds a certain limit and re-connections are performed using new communication channels (paragraphs [0012]-[0014]; FIG. 5). However, Vanghi does not teach a method where duration of transitions between two wireless communication systems is a function of a timer defined for use within a first wireless communication system, as recited in claim 1 (claims 12, 23, 30, and 41 recite similar limitations):

“A method comprising:
starting a timer defined for use within a first wireless communication system; and
estimating duration of transitions between the first wireless communication system and a second wireless communication system as a function of the timer,
each of the wireless communication systems being a voice/data system that conforms to a standard for at least one of CDMA, TDMA, FDMA, and GSM.” (emphasis added).

A combination of *Burson* and *Vanghi* also fails to teach Applicant's invention recited in claims 1, 12, 23, 30, and 41. More specifically, *Vanghi* cannot feasibly be utilized to modify the teachings of *Burson* in a manner that would result in the invention recited in these claims. As such, a combination of *Burson* and *Vanghi* would not produce Applicant's invention recited in claims 1, 12, 23, 30, and 41.

Furthermore, claims 5, 7, 8, 10, 11, 16, 18-19, 21-22, 25-26, 28-29, 34-37, 39-40, 45, 47-48, and 50-51 depend, either directly or indirectly, from claims 1, 12, 23, 30, and 41 and recite additional features therefor. At least for the same reasons that a combination of *Burson* and *Vanghi* would not produce Applicant's invention recited in claims 1, 12, 23, 30, and 41, dependent claims 5, 7, 8, 10, 11, 16, 18-19, 21-22, 25-26, 28-29, 34-37, 39-40, 45, 47-48, and 50-51 are also not obvious and are allowable.

Thus, Applicant submits that claims 5, 7, 8, 10, 11, 16, 18-19, 21-22, 25-26, 28-29, 34-37, 39-40, 45, 47-48, and 50-51 are patentable over *Burson* in view of *Vanghi*. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

D. Allowable Subject Matter

Applicant appreciates the Examiner's indication of allowability concerning claims 9, 20, 27, 38, and 49 if these claims are rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcome the rejection under 35 U.S.C. §112. Applicant has amended claims 9, 20, 27, 38, and 49 accordingly. Applicant therefore respectfully requests withdrawal of the objection and allowance of claims 9, 20, 27, 38, and 49.

E. New Claims

New claims 52-56 have been added. Applicant believes that claims 52-56 are fully supported by the specification and that no new matter has been entered. Claims 52-56 recite limitations patentable over the art of record and directly depend from respective independent claims 1, 12, 23, 30, and 41, which are allowable for the reasons discussed above. Thus, Applicant respectfully requests allowance of claims 52-56.

CONCLUSION

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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